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Letter dated 16 July 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 21 April 2003 (S/2003/447).

The Counter-Terrorism Committee has received the attached third report from the Syrian Arab Republic submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. Arias
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 9 July 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit, enclosed herewith, a further supplementary report in compliance with paragraph 6 of resolution 1373 (2001) on the steps taken to implement that resolution. The report is submitted in response to the questions and comments of the Counter-Terrorism Committee, contained in its letter S/AC.40/2002/MS/OC.225 dated 4 April 2003 (see enclosure).

(*Signed*) Mikhail **Wehbe**
Ambassador
Permanent Representative

Enclosure

Supplementary report by the Syrian Arab Republic to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)

[Original: Arabic]

1.2 Article 304 of the Syrian Penal Code states that terrorist acts means all acts that are intended to create a state of fear and are committed by means such as explosives, military weapons, inflammatory materials, toxic or incendiary products or epidemic or microbial agents likely to cause public danger.

Article 305 of the Penal Code sets out the penalties in respect of any terrorist act and specifies that "any terrorist act entails a penalty of 15 to 20 years hard labour". It is clear from the text mentioned that anyone who acts in a manner contrary to the law or violates public order, or commits any act that causes injury or damage to persons, facilities or public institutions, shall be punished as prescribed in the laws in force and in accordance with the penalties specified therein, and that terrorist acts in all their forms and manifestations, by whatever means they are committed and however they may be concealed or dissembled, fall within the scope of the legal texts in force. Moreover, article 218 concerning the accomplices of those who commit crimes and those who harbour them, prescribes penalties for anyone who gives information helpful to the perpetration of a crime, or who strengthens the resolve of its perpetrator, or who aids and abets such persons in actions to prepare for or facilitate a crime, or in actions to commit a crime, or anyone who is in agreement with the perpetrator or has knowledge of the conduct of evildoers and provides them with food, shelter, refuge or a place in which to meet. This indicates that the matters specified in paragraph 1 (b) of Security Council resolution 1373 (2001) are covered by the legal provisions mentioned.

1.3 The Syrian Arab Republic has no law or provisions concerning the freezing of assets; each case is studied separately in accordance with the requirements of the public interest.

1.4 Up to the present time, licensed private banks have not begun operating in the Syrian Arab Republic; financial and banking activities are still handled by the public institutions which are therefore subject to oversight by the competent bodies of the State.

1.5 The Syrian Penal Code specifies the penalties for forming criminal associations. Article 325 provides as follows:

> "Where two or more persons form an association or enter into an agreement for the purpose of committing crimes against people or property, they shall be punished by a term of hard labour."

The same applies to secret associations; the Penal Code regards associations as being incompatible with the law if some or all of their activities are conducted in secrecy (Penal Code, article 327). The law also provides for the disbandment of secret associations and the confiscation of their assets. Any person performing an administrative or executive function in such an association is punished by a term of imprisonment of between six months and two years (Penal Code, article 328).

In other words, the laws in force in the Syrian Arab Republic specify the principles that must be observed by associations; the purposes and objectives of any association that is established must be defined and, in the event of any breach of the regulations, the association is disbanded, its assets confiscated and the members responsible for acts committed in violation of the law are punished. Article 108 of the Penal Code also specifies that any union, company, association, or legal entity may be closed down if any of its directors, members of its administration, representatives, employees acting on its behalf or through its agency, commit a crime or deliberate misdemeanour.

This makes it clear that associations are subject to legal principles and that, in the event of any deficiency in the work of an association of any kind, the work and activities of such association are subject to the legal provisions in force.

1.6 The process of registration of companies involved in the transmission of money is studied by the Central Bank of Syria and is approved by means of a decision issued by the Minister of Economy and Foreign Trade. Companies that are authorized to transmit money are not allowed by the Syrian Banking Code to transfer it abroad. So far, no company has been authorized apart from the approval in principle issued by the Central Bank of Syria concerning cooperation between the Commercial Bank of Syria and the Western Union company for the sole purpose of making transfers to Syria from abroad.

Apart from that, transfers to Syria from abroad are made to the private sector through personal transfers. Transmissions to the private commercial sector are made exclusively as a result of the export of Syrian goods or for economic activities by a citizen for the purpose of funding import operations. Electronic transfers using the SWIFT Wire system take place only between the Commercial Bank of Syria and its correspondents abroad as credit for the purpose of imports; in all cases the settlement system in the Syrian Arab Republic is the public banking system under the supervision of the Government and restricted to the Commercial Bank of the Syrian Government.

1.7 So far, the banks operating in the country are public banks under the supervision of the Ministry of Economy and Foreign Trade and monitored by the Central Bank of Syria. There is therefore no possibility of suspicious transactions in the Syrian banking system. The private banks that have been authorized but which have not yet begun operations will be subject to supervision by the Credit and Monetary Council at the Central Bank of Syria which is a public trusteeship body. In general, there are no legal provisions in Syria permitting the transfer abroad of foreign currency or Syrian pounds by any Syrian bank except as a method for funding import operations by the private sector. The source of this transferred foreign currency is export earnings or funding by the Commercial Bank of Syria to industrialists and business people and also sums to fund specific low-cost operations for purchases, study abroad, travel, the annual pilgrimage (Hajj) and the "minor Hajj".

In addition, we circulate, for immediate action, to all banks and institutions coming under the Ministry of Economy and Foreign Trade all the names of persons provided by the Ministry of Foreign Affairs for purposes of confiscating their assets on grounds of suspicion that they are in Syria and belong to terrorist organizations.

1.8 The Syrian Penal Code defines the territorial scope for the implementation of the criminal law. Article 15 of the Code provides as follows:

"1. Syrian law shall apply to all crimes committed on Syrian soil.

"2. A crime shall be considered as being committed on Syrian soil:

(a) If one of the elements constituting a crime, or an act inseparable from a crime, or a principal or subsidiary act of collaboration took place on Syrian soil;

(b) If the outcome of the crime occurred or was expected to occur on Syrian soil."

The Penal Code punishes any criminal act of whatever kind committed in the territory of the Syrian Arab Republic, whether the crime was committed in totality in the territory of the State or one of the elements of the crime, or a principal or a subsidiary act of collaboration, occurred in the territory of the State.

1.9 Article 20 of the Syrian Penal Code provides as follows:

"Syrian law shall apply to any Syrian person who, when outside Syrian territory, commits, instigates or is involved in a crime or misdemeanour punishable under Syrian law. The same shall apply even if the accused person loses his Syrian nationality or acquires it after the commission of the crime or misdemeanour."

Article 21 provides as follows:

"Syrian law shall apply outside Syrian territory:

1. To crimes committed by Syrian officials during or on the occasion of their exercise of their functions;

2. To crimes committed by officials of the foreign service and to Syrian consuls who do not enjoy immunity conferred on them by international public law."

Thus the scope of the law extends to any Syrian wherever he may be, provided he is acting in his personal capacity.

The word "resident" does not refer to permanent residence but means that an offender, even if he has only just entered Syrian territory and has been arrested, is regarded as being present in Syrian territory in which case the Syrian courts are competent to try him and Syrian law is applicable. However, if there is a difference between Syrian law and the law of the place of origin of the offender, the judge, in applying Syrian law, will take the difference into account in the interest of the accused in accordance with article 20 of the Syrian Penal Code.

With respect to the second paragraph of the question, concerning a foreign national who commits an offence outside Syrian territory and who is currently present in the Syrian Arab Republic, the case is covered by article 23 of the Penal Code which provides as follows:

"Syrian law shall apply to any foreign national resident in Syrian territory who commits, instigates or is involved in a crime or misdemeanour punishable under Syrian law outside Syrian territory, where his return has not been requested or accepted."

1.10 Legal measures are available in the Syrian Arab Republic through bilateral judicial agreements concluded with other States, particularly in connection with the handing over of offenders.

There is also the Arab Convention on Judicial Cooperation, known as the Riyadh Convention, which has been ratified by the Syrian Arab Republic and which provides for the handing over and trial of accused persons. The same applies to the Model Treaty on Exhibition which was adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1990. This explains the procedures and measures adopted and in force in the Syrian Arab Republic aimed at the suppression of crime and the prevention of terrorist crimes, and on the denial of safe haven, refuge, assistance or any form of help in the territory of the Syrian Arab Republic.

1.11 No guidelines have been issued for the exemption of nationals of any foreign State from the requirement to obtain a visa for entry into or transit through the territory of the Syrian Arab Republic.

1.12 The Syrian Arab Republic is bound by treaties on judicial cooperation with most Arab States and many other States.

1.13 The international anti-terrorist conventions are currently being studied with a view to accession. The Syrian Arab Republic recently acceded to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988.